

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SOUTHAMPTON, LTD.; HELIOS)
FINANCIAL HOLDINGS CORP.;)
DEALERS ASSURANCE)
CORPORATION and SOUTHWEST)
RESINSURE, INC.,)

Plaintiffs,)

-vs-)

Case No. CIV-19-812-F

DAVID LE NORMAN; LE NORMAN)
PROPERTIES, LLC; BYFORD-LE)
NORMAN DUNCAN BCG, LLC;)
BYFORD-LE NORMAN DUNCAN)
CDJR, LLC; LB HOLDINGS LLC;)
KENT GARDNER; TY HARTWIG;)
RICHARD HORTON; MICHAEL E.)
DEEBA, TRUSTEE; RANDY)
BYFORD; FOUR HORSEMEN)
AUTO GROUP, INC.; CHISHOLM)
TRAIL AUTO GROUP, LLC;)
CHISHOLM TRAIL AUTO GROUP)
II, LLC and CHISHOLM TRAIL)
REAL ESTATE LLC,)

Defendants.)

ORDER


The court is in receipt of plaintiffs' Notice of Dismissal Without Prejudice Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), filed September 13, 2019. Doc. no. 115.

Prior to the voluntary dismissal of this case, defendants, David Le Norman, Le Norman Properties, LLC, Byford-Le Norman Duncan BCG, LLC, Byford-Le Norman Duncan CDJR, LLC, LB Holdings, LLC, and Randy Byford, had filed a motion for sanctions under Rule 11, Fed. R. Civ. P. Doc. no. 79. The motion has been fully briefed. Doc. nos. 89 and 98. The Texas district court, in its September 3, 2019 order transferring the action to this court on the ground of improper venue, left the motion for sanctions for this court to determine. Doc. no. 103-2, p. 20.

The Supreme Court in Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 398 (1990), determined that a plaintiff's voluntary dismissal of an action does not deprive a district court of jurisdiction to consider a Rule 11 motion.

Accordingly, defendants, David Le Norman, Le Norman Properties, LLC, Byford-Le Norman Duncan BCG, LLC, Byford-Le Norman Duncan CDJR, LLC, LB Holdings, LLC, and Randy Byford, are **DIRECTED** to file a written notice with the court by **October 1, 2019** advising whether they wish to pursue their Rule 11 motion.

Dated this 13th day of September, 2019.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE